

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
AT ERIE**

THOMAS WASHINGTON,

Plaintiff,

v.

JOHN WETZEL, et al.,

Defendants.

Civil Action No. 15-179

ORDER

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having considered the Report and Recommendation of Magistrate Judge Susan Paradise Baxter, and the balance of record, **HEREBY ORDERS:**

- (1) The Court **ADOPTS** the Report and Recommendation, Docket No. 61;
- (2) Defendant's Motion to Dismiss, Docket No. 51, is **DENIED**; and
- (3) The Clerk shall send copies of this Order to the parties.

IT IS SO ORDERED.

DATED this 7th day of March, 2017.



BARBARA J. ROTHSTEIN
UNITED STATES DISTRICT JUDGE